

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

**CAPSON PHYSICIANS
INSURANCE COMPANY**

**PLAINTIFF/
COUNTER DEFENDANT**

v.

No. 3:13-cv-157-DPM

MMIC INSURANCE INC.

**DEFENDANT/
COUNTER CLAIMANT**

MMIC INSURANCE INC.

CROSS-CLAIMANT

v.

**DR. KARL J. HASIK; LILLIAN WILSON,
Individually and as Special Administratrix
for the Estate of J.A.W., deceased; SAMANTHA
RAY, Individually and as next friend and
guardian of A.L.R., a minor; DERECK RAY,
Individually and as next friend and guardian
of A.L.R., a minor; and DOE, A.L.R., a minor**

CROSS-DEFENDANTS

ORDER

1. Dr. Hasik's motion to extend deadlines, *No. 78*, is granted: discovery is extended until 27 March 2015; and the dispositive motion deadline is extended until 6 April 2015. The Hasiks' depositions will proceed pursuant to the Court's prior Order, *No. 76*. The Hasiks' depositions must proceed on the soonest mutually convenient date. The expedited briefing schedule, *No. 76 at ¶3*, on the motion to stay remains in place.

2. The Court orders counsel for all parties to confer by conference call about the scheduling issues before 30 January 2015 and file a joint status report by 6 February 2015.

3. On mediation: the Court doesn't order a settlement conference unless all parties want one. It can be done by the Magistrate Judge on the case (Ray, J.) or by a private mediator, at the parties' election. Address this issue in the February report too.

4. On the hospital's request to intervene: the Court directs MMIC to file an addendum to its responding papers. Does MMIC agree that, under Ark. Code Ann. § 23-79-209, if Dr. Hasik prevails in securing this Court's judgment that MMIC owes coverage for the *Ray* and *Wilson* cases, then Dr. Hasik will be entitled to recover reasonable attorney's fees incurred (either by him or the hospital) in defending those cases? If not, why not? Two-page addendum due by 27 January 2015.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

20 January 2015